REMARKS:

In the foregoing amendments, claim 1 was amended by further defining that the electronic control unit distinguishes the operation of the passenger from the operation of the driver by detecting a capacitance between the touch switch and one of a finger and a hand. This arrangement is described in applicant's specification disclosure in the paragraph bridging pages 8 and 9 and elsewhere. Claims 1-18 remain in the application for consideration by the examiner. A formal allowance of these claims is respectfully requested for at least the following reasons.

The Official action set forth three prior art rejections of applicant's claims. Claims 1-2 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pub. No. 2004/0056758 of Schwartz in view Japanese Pub. No. 11-312053 of Kimura. This rejection appears on pages 2 and 3 of the Official action. Claims 3-13 and 16-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schwartz in view of Kimura and further in view of U.S. patent No. 5,847,690 of Boie *et al.* (Boie). This rejection appears on pages 3-5 of the Official action. Claims 14-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schwartz in view of Kimura and further in view of Boie and U.S. Pub. No. 2003/0132922 of Philipp. This rejection is set forth on page 5 of the Official action. Applicant respectfully submits that the inventions defined in claims 1-18 are patently distinguishable from the teachings of

Schwartz and Kimura in view of Boie alone or together with Philipp within the meaning of 35 U.S.C. §103(a) for at least the following reasons.

In the currently amended claim 1, the operation of the passenger is distinguished from the operation of the driver by detecting the capacitance between, for example, the touch switch 3 and one of a finger of the driver and a hand of the passenger. This operation can be detected without touching the touch switch 3. Obviously, when the hand or the finger touches the touch switch 3, the operation can be detected by the electronic control unit 1. For example, when the hand or the finger of an operator firstly approaches the display 5 from a driver's side, the electronic control unit determines that the driver operates the equipment. When the hand or the finger of the operator firstly approaches the display 5 from a passenger's side, the electronic control unit 1 determines that the passenger operates the equipment. This arrangement is described in the paragraph bridging pages 12 and 13 and elsewhere in applicant's specification disclosure.

The teachings of Schwartz do not remotely contemplate or suggest the aforesaid arrangement of applicant's claim 1. The teachings of Schwantz propose that the equipment includes a driver's seat generator (202, l) for transmitting a first signal to the display through a driver's body and a passenger's seat generator (202, M) for transmitting a second signal to the display through a passenger's body. The teachings of Schwartz propose that

the ECU (210) distinguishes the operation of the driver from the operation of the passenger by detecting the first signal or the second signal. This proposal of Schwartz has nothing to do with detecting a difference in capacitance between the touch switch and one of a finger and a hand, as required in present claim 1. For this reason, the teachings of Schwartz cannot contemplate or suggest the invention set forth in present claim 1.

Furthermore, the use of the first signal and the second signal respectively generated by the signal generators (202, 1, M) and distinguishing these two signals are essential aspects of the invention proposed in Schwartz. Therefore, the teachings of Schwartz cannot motivate one of ordinary skill in the art to the completely different system set forth in present claim 1, where the electronic control unit distinguishes the operation of the passenger from the operation of the driver by detecting a capacitance between the touch switch and one of a finger and a hand.

The teachings of Kimura, Boie and Philipp do not cure or rectify the aforesaid deficiency in the teachings of Schwartz. For example, the teachings of Kimura propose that the equipment therein distinguishes the operation of the driver from the operation of the passenger by detecting a direction of pressure of a finger. Specifically, Kimura proposes that when the driver operates the display (1), the direction of pressure of the finger of the driver is directed to a direction drawing to the driver's seat. In addition, Kimura

proposes that when the passenger operates the display (1), the direction of pressure of the finger of the passenger is directed to a direction drawing to the passenger's seat. Such teachings in Kimura do not contemplate or suggest an arrangement where the electronic control unit distinguishes the operation of the passenger from the operation of the driver by detecting a capacitance between the touch switch and one of a finger and a hand, along the lines required in present claim 1.

Furthermore, the teachings of Kimura require touching the display (1) with the finger. This arrangement is distinguishable from that set forth in present claim 1, where the operation of the driver or the passenger can be distinguished without touching the display 5, i.e., the touch switch 3.

With respect to claims 3-18, it is respectfully noted that the teachings of Boie propose the display (1) integrated with the touch sensor (30). Thus, the teachings of Boie cannot contemplate or suggest an arrangement where the electronic control unit distinguishes the operation of the passenger from the operation of the driver by detecting a capacitance between the touch switch and one of a finger and a hand, as set forth in present claim 1.

The teachings of Philipp propose a method for compensating a noise caused by a capacitance between a part (14) of a body of the operator and the touch panel (10), the part (14) which does not touch the touch panel (10). However, the teachings of Phillip cannot contemplate or suggest an

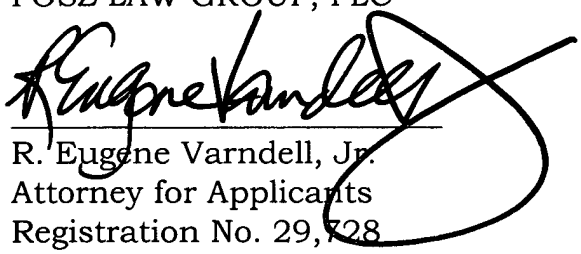
arrangement where the electronic control unit distinguishes the operation of the passenger from the operation of the driver by detecting a capacitance between the touch switch and one of a finger and a hand, as set forth in present claim 1.

For the foregoing reasons, applicant respectfully submits that the inventions defined in claims 1-18 are patently distinguishable from the teachings of Schwartz and Kimura in view of Boie alone or together with Philipp. Therefore, applicant respectfully requests that the examiner reconsider and withdraw all the rejections of the present claims over these teachings.

At least for the foregoing reasons, a formal allowance of claims 1-18 is respectfully requested. While it is believed that all the claims in this application are in condition for allowance, should the examiner have any comments or questions, it is respectfully requested that the undersigned be telephoned at the below listed number to resolve any outstanding issues.

In the event this paper is not timely filed, applicant hereby petitions for an appropriate extension of time. The fee therefor, as well as any other fees which become due, may be charged to our deposit account No. 50-1147.

Respectfully submitted,
POSZ LAW GROUP, PLC



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